

FAX COVER

Date:

June 27, 2003

Number of pages (including cover): 1

To:

SPE Gary Benzion, Art Unit 1634, U.S. Patent and Trademark Office

Fax No.:

(703) 305-3014

Serial No.: 09/691,763

FAX RECEIVED

JUN 3 0 2003

Title:

TMS1 COMPOSITIONS AND METHODS OF USE

GROUP 1600

From:

Maria A. Trevisan

Direct dial: 617.573.7866

Our File #: E00355.70003.US

OFFICIAL

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being transmitted via facsimile to the attention of SPE Gary Benzion, Art Unit 1634, FAX number 703.305.3014, at the United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450, in accordance with 37 C.F.R. §1.6(d), on the 21 day of June, 2003.

Maria A. Trevisan

ORIGINAL DOCUMENTS WILL NOT BE MAILED.

MESSAGE:

Transmitted herewith is/are a Petition to Withdraw Notice of Abandonment

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Wolf Greenfield Fax Number: 617.720.2441

Wolf, Greenfield & Sacks, P.C. | 600 Atlantic Avenue | Boston, Massachusetts 02210-2206 617.720.3500 | fax 617.720.2441 | www.wolfgreenfield.com

PATENTS TRADEMARKS COPYRIGHTS TECHNOLOGY TRANSFERS LITIGATION

Attorney Docket No. E00355.70003.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Paula M. Vertino

Serial No.:

09/691,763

Confirmation No.:

3870

Filed:

October 18, 2000

For:

TMS! COMPOSITIONS AND METHODS OF USE

Examiner:

Jeanine Anne Goldberg

Art Unit:

1634

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8 (a)

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Maria A. Trevisan

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing are the following documents:

Petition to Withdraw Notice of Abandoment Based on Failure to Receive Office [X]Communication (including Active and Inactive Docket Reports)

Return Receipt Postcard [X]

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned collect at (617)720-3500, Boston, Massachusetts.

A check is not enclosed. If a fee is necessary, the Commissioner is hereby authorized to charge Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

> Respectfully submitted, Paula M. Vertino, Applicant

Maria A. Trevisan, Reg. No. 48,207 Edward R. Gates, Reg. No. 31,616 Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2211

Telephone: (617) 720-3500

Docket No. E00355.70003.US

Date: June 27, 2003

xndd

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Attorney Docket No. E00355.70003.US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Paula M. Vertino

Serial No.:

09/691,763

Confirmation No.:

3870

Filed:

October 18, 2000

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TMS1 COMPOSITIONS AND METHODS OF USE

Examiner:

Jeanine Anne Goldberg

Art Unit:

1634

CERTIFICATE OF FACSIMILE TRANSMISSION 37 C.F.R. §1.8 (a)

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Maria A. Trevisan

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW NOTICE OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE COMMUNICATION

Applicant's representatives received a Notice of Abandonment (paper number 25) mailed from the United States Patent and Trademark Office (USPTO) on June 17, 2003. In a telephone conversation with Mr. Tom Hawkins of the USPTO, Applicant's representatives learned that the Notice of Abandonment was based on a failure to pay the issue fee in response to a Notice of Allowance mailed from the USPTO on January 16, 2003. Applicant's representatives however did not receive the Notice of Allowance.

Applicant's representatives state herewith that the Notice of Allowance was not received and that a search of the file jacket and docket records indicates that the Notice of Allowance was not received. Attached herewith is a copy of the active and inactive docket records for the above-identified application. The non-received Notice of Allowance (and corresponding issue fee due) would have been entered on these docket reports had it been received and docketed by representatives' firm.

718691.1

Applicant respectfully requests that this petition be granted and that the new Notice of Allowance be sent to the undersigned.

Respectfully submitted,
Paula M. Vertino, Applicant

Maria A. Trevisan, Reg. No. 48,207 Edward R. Gates, Reg. No. 31,616 Wolf, Greenfield & Sacks, P.C.

600 Atlantic Avenue

Boston, Massachusetts 02210-2211

Telephone: (617) 720-3500

Docket No. E00355.70003.US

Date: June 27, 2003

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10:11:12 am Thursday

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Inactive Daket Report

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31	MMT 02/24/01	MET	Advise Client - Foreign/PCT Filing (8M)	09/691763	ERG/MAT/TFD/KMK	E0355/7003	06/18/2001 Arbitrary	06/18/2001
3	MMT 03/04/01	MM T	File Missing Parts With Two Nonth Extension (2 of 5)	09/691763	MAT/ERG	E0355/7003	PTA	06/08/2001 PTA
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3	MMT 03/04/01	委司	Comply w/Sequence Requirements w/2 month ext (2 of 4)	09/691763	MAT/ERG	E0355/7003		06/08/2001
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3	MMT 04/01/01	3	Comply w/Sequence Requirements w/l month ext (1 of 5)	09/691763	ERG/MAT	E0355/7003	PTA	05/21/2001 PTA
3	MHT 03/04/01	3	File Missing Parts With One Month Extension (1 of 5)	09/691763	MAT/ERG	E0355/7003	PTA	05/08/2001 PTA
3	MHT 03/04/01	3	File Missing Parts With One Konth Extension (1 of 5)	09/691763	ERG/MAT	E0355/7003	PTA	05/08/2001 PTA
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=	MHT 03/04/01	3	Comply w/Sequence Requirements w/l month ext (1 of 4)	09/691763	ERG/MAT	E0355/7003		05/08/2001
			RESF 3/30/01/ER6					
=	MHT 04/01/01	3	Comply w/Sequence Requirements (Five Ext Possible)	09/691763	MAT/ERG	E0355/7003	PTA	04/21/2001 PTA
			RESF 3/30/01/ERG					
3	MMT 04/01/01	¥	Comply w/Sequence Requirements (Five Ext Possible)	09/691763	ERG/MAT	E0355/7003	PTA	04/21/2001 PTA
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ت	MT 03/04/01	¥	<pre>Comply With Spanners Requirements (Four Ext Possible)</pre>	09/691763	FRG /MAT	E0355/7003		04/08/2001
			IDS filed 4/10/01/ERG	:				
3	MRT 04/15/01	雪	File IDS/Submit Preliminary Amendment? (3M)	09/691763	MAT / ERG	E0355/7003		01/18/2001
				Notes:				
			IDS filed 4/10/01/ERG					
1	MHT 04/15/01	3	File IDS/Submit Preliminary Amendment? (3M)	09/691763	ERG/MAT	E0355/7003		01/18/2001
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Notes: ent'd p/flg rcpt rec 02/14/01

MMT 03/04/01	MAL	File Nissing Parts With Four Month Extension (4 of 5) Miss pts filed 2/28/01/ERG	09/691763	ERG/NAT	E0355/7003	! PTA	38/08/2001 PTA
MMT 03/04/01	MAI.	Comply w/Sequence Requirements w/4 month ext (4 of 4) Seq List filed 2/28/01/ERG	09/691763	MAT/ERG	E0355/7003	NO EXT	08/08/2001 NO EXT
MMT 03/04/01	誓	Comply w/Sequence Requirements w/4 month ext (4 of 4) Seq List filed 2/28/01/ERG	09/691763	ERG/MAT	E0355/7003	NO EXT	08/08/2001 NO EXT
MMT 04/01/01	M	Comply w/Sequence Requirements w/3 month ext (3 of 5) RESF 3/30/01/ERG	09/691763	NAT/ERG	E0355/7003	PIA	07/21/2001 PTA
MMT 04/01/01	M	Comply w/Sequence Requirements w/3 month ext (3 of 5) RESF 3/30/01/ERG	09/691763	ERG/MAT	E0355/7003	1 PTA	07/21/2001 PTA
MMT 07/29/01	M ET	Restriction Requirement (Five Extensions Possible) RESF 7/20/01/MAT	09/691763	MAT/ERG	E0355/7003	pta	07/20/2001 pta
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MMT 03/04/01	NAS	File Missing Parts With Three Month Extension (3 of 5) Miss pts filed 2/28/01/ERG	09/691763	MAT/ERG	E0355/7003	PTA	07/08/2001 PTA
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MHT 03/04/01	1	Comply w/Sequence Requirements $w/3$ month ext (3 of 4) Seq List filed $2/28/01/ERG$	09/691763	MAT/ERG	E0355/7003	_	07/08/2001
MMT 03/04/01	3	Comply w/Sequence Requirements w/3 month ext (3 of 4) Seq List filed 2/28/01/ERG	09/691763	ERG/MAT	E0355/7003	_	07/08/2001
HMT 04/01/01	M	Comply w/Sequence Requirements w/2 month ext (2 of 5) RESF 3/30/01/ERG	09/691763	MAT/ERG	E0355/7003	I PTA	06/21/2001 PTA
MMT 04/01/01		<pre>ent'd p/flg rcpt rec 02/14/01 Comply w/Sequence Requirements w/2 month ext (2 of 5) RESF 3/30/01/ERG</pre>	Notes: 09/691763	ERG/MAT	E0355/7003	PTA	06/21/2001 PTA
MMT 07/29/01	PMT	ent'd p/flg rcpt rec 02/14/01 Convert to Provisional? (8M) c/o date passed	Notes: 09/691763	MAT/ERG	E0355/7003	_	06/18/2001
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MHT 02/24/01	3		Notes: 09/691763	KMK/HAT/IFD/ERG	E0355/7003	06/18/2001 Arbitrary	06/18/200
Crossed Off HMT 02/24/01	Cro	Remarks/Disposition Advise Client - Foreign/PCT Filing (8M)	ID Number 09/691763	Attorney(s) IFD/MAT/ERG/KMK	File Number E0355/7003	Due Date Comment 06/18/2001 Arbitrary	Due Date 06/18/200

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HMT 02/24/01	<pre>c/o date passed : ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In One Month (11M) co ff cor Mat 2/21/01</pre>	Notes: 09/691763	ERG/MAT/1FD/KMK	E0355/7003		09/18/2001
MMT 11/17/01		Notes: 09/691763	MAT/ERG	E0355/7003		09/18/2001
MMT 11/17/01	Miss pts filed 2/28/01/ERG Convert to Provisional? (11M)	09/691763	ERG/NAT	E0355/7003	_	09/18/2001
MMT 03/04/01	ve Month	09/691763	MAT/ERG	09/08/2001 PTA NO EXT E0355/7003	PTA NO EX	09/08/200
MAT 04/01/01 MAT 03/04/01	Comply w/Sequence Requirements w/4 month ext (4 of 5) RESF 3/30/01/ERG File Missing Parts With Five Month Extension (5 of 5)	09/691763	MAT/ERG ERG/MAT	08/21/2001 PTA E0355/7003 09/08/2001 PTA NO EXT E0355/7003	PTA NO EX	08/21/2001 PTA
MHT 04/01/01	Comply w/Sequence Requirements w/4 month ext (4 of 5) RESF 3/30/01/ERG	09/691763	erg/mat	E0355/7003	PTA	08/21/2001 PTA
MMT 07/29/01	Restriction Requirement W/One Month Ext (1 of 5) RESF 7/20/01/MAT	09/691763	MAT/ERG	E0355/7003	I PTA	08/20/2001 PTA
MMT 07/29/01		Nates: 09/691763	ERG/NAT	E0355/7003	PTA	08/20/2001 PTA
MHT 02/24/01	no ff per MAI 2/21/01 : ent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In Two Months (10M) no ff per MAI 2/21/01	Notes: 09/691763	NAT/ERG/1FD/KMK	E0355/7003	_	08/18/2001
MMT 02/24/01		Notes: 09/691763	KPK/9AT/IFD/ERG	E0355/7003		08/18/2001
MMT 02/24/01		Notes: 09/691763	IFD/MAT/ERG/KMK	E0355/7003		08/18/2001
MMT 02/24/01		Notes: 09/691763	ERG/MAT/1FD/KMK	E0355/7003		08/18/2001
MMT 11/17/01		Nates: 09/691763	MAT/ERG	E0355/7003		08/18/2001
MMT 11/17/01	Miss pts filed 2/28/01/ERG Convert to Provisional? (IOM)	09/691763	ERG/MAT	E0355/7003		08/18/2001
Crossed Off MMT 03/04/01	Remarks/Disposition File Missing Parts With Four Month Extension (4 of 5)	ID Number 09/691763	Attorney(s) MAT/ERG	File Number E0355/7003	Comment PTA	Due Date Com 08/08/2001 PTA

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KKA 10/03/01	New Office Action Not Received - Send Status Letter PTA rec 09/20/01	09/691763	ERG/MAT	E0355/7003	PTA	11/20/2001 PTA
MHT 07/29/01	D	09/691763	MAT/ERG	E0355/7003	PTA	10/20/2001 PTA
MMT 07/29/01	ent'd p/f1g rcpt rec 02/14/0; Restriction Requirement W/Three Month Ext (3 of 5) RESF 7/20/01/MAT	Notes: 09/691763	ERG/MAT	E0355/7003	РТА	10/20/2001 PTA
MMT 02/24/01		Notes: 09/691763	MAT/ERG/IFD/KMK	E0355/7003	NO EXT	10/18/2001 ND EXT
HMT 02/24/01		Notes: 09/691763	KMK/MAT/IFD/ERG	E0355/7003	& ext	10/18/2001 NO EXT
MMT 02/24/01	: ent'd p/flg rcpt rec 02/14/01 File Foreign/PCT Applications (12M) NO EXT no ff per MAT 2/21/01	Notes: 09/691763	IFD/MAT/ERG/KMK	E0355/7003	NO EXT	10/18/2001 ND EXT
MHT 02/24/01		Notes: 09/691763	ERG/MAT/IFD/KHK	E0355/7003	NO EXT	10/18/2001 NO EXT
MMT 12/08/01		Notes: 09/691763	MAT/ERG	E0355/7003	NO EXT	10/18/2001 NO EXT
MMT 12/08/01	Convert to Provisional? (12M) NO EXT	09/691763	ERG/MAT	E0355/7003	ND EXT	10/18/2001 ND EXT
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MMT 04/01/01	RESF 7/20/01/MAT Comply w/Sequence Requirements w/5 month ext (5 of 5)	09/691763	ERG/MAT	E0355/7003	09/20/2001 PTA NO EXT E0355/7003	09/20/2001 PTA
MMT 07/29/01		No tes: 09/691763	ERG/MAT	E0355/7003	PTA	09/20/2001 PTA
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MAL 05/24/01	no TT per MAI 2/21/01 cent'd p/flg rcpt rec 02/14/01 Foreign/PCT Filing Due In One Month (11M) no ff per MAI 2/71/01	Notes:	KMK/MAT/1FD/ERG	E0355/7003		09/18/2001
Crossed Off MMT 02/24/01	Remarks/Disposition Foreign/PCT Filing Due In One Month (11M)	ID Number 09/691763	Attorney(s) IFD/MAT/ERG/KMK	File Number E0355/7003	Comment	<u>Due Date</u> 09/18/2001

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HMT 08/14/02	Respond to Interview Summary Record	09/691763	MAT/ERG	E0355/7003	,~	06/03/2002
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NMT 08/14/02	Respond to Interview Summary Record	09/691763	ERG/MAT	E0355/7003		06/03/2002
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MMT 05/22/02	New Office Action Not Rec'd - Send Status Letter (PTA)	09/691763	ERG/MAT	E0355/7003	2. PTA	05/18/2002·PTA
	RESF 1/18/02/MAT					
MMI 01/26/02	Amendment With Three Month Extension (3 of 3)	09/691763	MAT/ERG	03/18/2002 PTA NO EXT E0355/7003	PTA NO EX	03/18/200
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	RESF 1/18/02/MAT					
MNT 01/26/02	Amendment With Two Month Extension (2 of 3)	09/691763	MAT/ERG	E0355/7003	2 PTA	02/18/2002 PTA
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MMT 01/26/02	Amendment With One Month Extension (1 of 3)	09/691763	ERG/MAT	E0355/7003	2 PTA	01/18/2002 PTA
KXA 06/29/01	1st Office Action Not Rec'd-Send Status Letter(14M100)	09/691763	MAT/ERG	E0355/7003	I PTA	12/28/2001 PTA
KXA 06/29/01	1st Office Action Not Rec'd-Send Status Letter(14M10D)	09/691763	ERG/MAT	E0355/7003	ATA	12/28/2001 PTA
	RESF 7/20/01/MAT					
MHT 07/29/01	Restriction Requirement W/Five Month Ext (5 of 5)	09/691763	MAT/ERG	12/20/2001 PTA NO EXT E0355/7003	I PTA NO EX	12/20/206
	RESF 7/20/01/NAT					
MMT 07/29/01	Restriction Requirement W/Five Month Ext (5 of 5)	09/691763	ERG/MAT	12/20/2001 PTA NO EXT E0355/7003	PTA NO EX	12/20/200
MM 01/26/02	Amendment (Three Extensions Possible)	09/691763	MAT/ERG	E0355/7003	PTA	12/18/2001 PTA
FEET 01/20/02	RESF 1/18/02/MAT	09/091/03	EKG/MAI	EU335//UU3	ž	12/18/2001 FIA
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	RESF 7/20/01/NAT					
MMT 07/29/01	Restriction Requirement W/Four Month Ext (4 of 5)	09/691763	MAT/ERG	E0355/7003	PTA	11/20/2001 PTA
	RESF 7/20/01/WAT					
MMT 07/29/01	Restriction Requirement W/Four Month Ext (4 of 5)	09/691763	ERG/MAT	E0355/7003	PTA	11/20/2001 PTA
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RXC 12/09/02	Deadline to Cite References/Search Results	12110/01	MAT/ERG	E0355/7003 AU-MAT/ERG	ω	01/01/2003
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	Notes: MAT added 12/4/02/ERG request	Notes				
VAC 12/03/02	reset to 06/01/03 p/AU PTO/dkt content time	/			•	
DVC 12/00/02	•	10/11/01 /cr	FRG/NAT	FORKS/7003 ALL ERG/MAT	7	12/27/2002
RXC 12/09/02	Citation of References/Search Results Due in 1 Month	12110/01	I MAT/ERG	E0355/7003 AU MAT/ERG	Ō	12/01/2002
	Notes: MAT added 12/4702/ERG request	Notes				
	reset to 06/01/03-15/AU PTO/dkt cmtee					
RXC 12/09/02	Citation of References/Search Results Due in 1 Month	12110/01	I ERG/MAT	E0355/7003 AU ERG/MAT	2	12/01/2002
	Stat Ing to PTO 5/28/03/MAT					
MHT 05/31/03	New Office Action Not Rec'd - Send Status Letter (PTA)	09/691763	MAT/ERG	E0355/7003	3 PTA	04/02/2003 PTA
	Stat Ing to PTO 5/28/03/MAT					
MHT 05/31/03	New Office Action Not Rec'd - Send Status Letter (PTA)	09/691763	ERG/MAT	E0355/7003	3 PTA	04/02/2003 PTA
	: Amendment and Response filed with fees for extension.	Notes:				
	RESF 11/8/02/MAT					
MMT 12/07/02	Amendment With Three Month Extension (3 of 3)	09/691763	MAT/ERG	E0355/7003	11/08/2002 PTA NO EXT E0355/7003	11/08/200
	: Amendment and Response filed with fees for extension.	Notes:				
	RESF 11/8/02/HAT					
MMT 12/07/02	Amendment With Three Month Extension (3 of 3)	09/691763	ERG/NAT	E0355/7003	11/08/2002 PTA NO EXT E0355/7003	11/08/200
1270770	RESF 11/8/02/MAT		!			
MMT 12/07/02	Amondment With Two Month Extension (2 of 2)	69/69/763	MAT/FRG	F0355/7003	PTA	10/08/2002 PTA
MMI 12/07/02	AMERICANT WITH 140 MORTH EXTERSION (2 of 3)	09/091/03	ERG/ FIA I	EU355/ /UU3	ZYIA	1070072002 FIA
	RESF 11/8/02/MAT					10 00 00
MMT 12/07/02	Amendment With One Month Extension (1 of 3)	09/691763	MAT/ERG	E0355/7003	2 PTA	09/08/2002 PTA
	RESF 11/8/02/HAT					
MMT 12/07/02	Amendment With One Month Extension (1 of 3)	09/691763	ERG/NAT	E0355/7003	2 PTA	09/08/2002 PTA
MMT 12/07/02	Amendment (Three Extensions Possible)	09/691763	MAT/ERG	E0355/7003	2 PTA	08/08/2002 PTA
1877 167 077 45	RESF 11/8/02/MAT					
Crossed Off	Remarks/Disposition Amendment (Three Extensions Possible)	10 Number 09/691763	Attorney(s) ERG/MAT	File Number E0355/7003	Comment 2 PTA	OB/OB/2002 PTA
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